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Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANGELO PENA, ROLANDO ROJAS, JOSE
DIROCHE, and FRANKLIN SANTANA,
individually and on behalf of others similarly
situated,

Plaintiffs,

v.

SP PAYROLL, INC., NICHOLAS PARKING,
CORP., IVY PARKING, CORP., BIENVENIDO,
LLC, CASTLE PARKING CORP., SAGE
PARKING CORP., and SAM PODOLAK,

Defendants.

: ECF Case

:
: CIVIL ACTION NO.: 07-CV-7013 (RJH)

: **AFFIDAVIT OF PETER A. WALKER**

STATE OF NEW YORK)
)
COUNTY OF NEW YORK) s.s.:

PETER A. WALKER, being duly sworn, deposes and says:

1. I am a member of the law firm of Seyfarth Shaw LLP, attorneys for defendants SP Payroll, Inc. ("SP Payroll"), Nicholas Parking, Corp. ("Nicholas Parking"), Ivy Parking, Corp. ("Ivy Parking"), Bienvenido, LLC ("Bienvenido Parking"), Castle Parking Corp. ("Castle Parking"), and Sage Parking Corp. ("Sage Parking") and Sam Podolak ("Podolak") (collectively,

“Defendants”) in the above-captioned action. This affidavit is submitted in opposition to Plaintiffs’ motion to amend to correct and supplement the original complaint.

2. Attached hereto as Exhibit A is a true and correct copy of the original Joint Discovery Plan so ordered by this Court.

3. Attached hereto as Exhibit B are true and correct copies of my April 23, 2008 letter to the Court modifying the schedule contained in Joint Discovery Plan as well as Mr. Faillace’s May 16, 2008 letter, so ordered by this Court on May 20, 2008, further extending these deadlines.

4. Attached hereto as Exhibit C is a true and correct copy of a letter to Mr. Faillace, dated February 13, 2008, which confirms a telephone conversation between myself and Mr. Faillace on February 12, 2008 in which Mr. Faillace first acknowledged that his clients were not interested in pursuing their collective and class claims.

5. Attached hereto as Exhibit D is a true and correct copy of Plaintiff’s Stipulation and Proposed First Amended Complaint dated June 2008. This is a different complaint than the one attached to Plaintiffs’ motion and the only proposed amended complaint provided to my office, prior to Plaintiffs’ filing of their motion to amend.

6. Attached hereto as Exhibit E is a true and correct copy of the original Complaint in this action.

7. Attached hereto as Exhibit F are true and correct copies of the relevant pages of the transcript of the Deposition of Angelo Pena, taken on November 9, 2007.

8. Attached hereto as Exhibit G are true and correct copies of the relevant pages of the transcript of the Deposition of Rolando Rojas, taken on November 9, 2007.

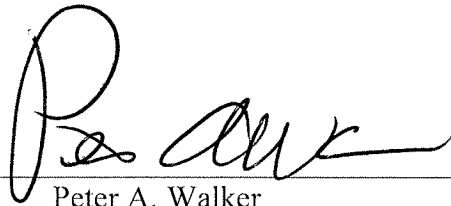
9. Attached hereto as Exhibit H are true and correct copies of the relevant pages of the transcript of the Deposition of Jose Ramon Colon Diroche, taken on November 12, 2007.

10. Attached hereto as Exhibit I are true and correct copies of the relevant pages of the transcript of the Deposition of Franklin Santana, taken on November 12, 2007.

11. Attached hereto as Exhibit J are true and correct copies of the relevant pages of the transcript of the Deposition of Miguel Alcantara, taken on November 13, 2007.

12. Attached hereto as Exhibit K are true and correct copies of the relevant pages of the transcript of the Deposition of Luis Luna, taken on December 7, 2007.

13. Attached hereto as Exhibit L is a true and correct copy of the letter from Plaintiffs' counsel dated Saturday, July 12, 2008 and received by my office on Wednesday, July 16, 2008 in which counsel acknowledges that his motion to amend on the eve of summary judgment will create problems with the schedule for the remainder of the case.



Peter A. Walker

Sworn to and subscribed before
me this 24th day of July, 2008



Notary Public

ALAYNA BALDANZA
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01BA6103726
QUALIFIED IN QUEENS COUNTY
COMMISSION EXPIRES JANUARY 12, 2012